

CUPA file



Alan C. Lloyd, Ph.D.
Agency Secretary

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

Certified Mail: 7000 0600 0027 1155 2918

March 28, 2006

Mr. Vasken Demirjian, Environmental Management Coordinator
Glendale City Fire Department
780 Flower Street
Glendale, California 91201

Dear Mr. Demirjian:

The California Environmental Protection Agency (Cal/EPA) and Department of Toxic Substances Control conducted a program evaluation of Glendale City Fire Department's Certified Unified Program Agency (CUPA) on March 15, 2006. The evaluation was comprised of an in-office program review and field inspections. The state evaluators completed a Certified Unified Program Agency Evaluation, Summary of Findings with your agency's program management staff, which includes identified deficiencies, preliminary corrective actions and timeframes. Two additional evaluation documents are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation. I have reviewed the enclosed copy of the Summary of Findings and I find that Glendale City Fire Department's program performance is satisfactory with some improvement needed. Cal/EPA's Unified Program staff will coordinate with your agency to track the correction of any identified deficiencies over the time frame and schedule included in the Summary of Findings.

Thank you for your continued commitment to the protection of public health and the environment. If you have any questions or need further assistance, you may contact Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or jbohon@calepa.ca.gov.

Sincerely,

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosures
cc: See next page

Vasken Demirjian

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cc: Mr. Vasken Demirjian, Environmental Management Coordinator (Sent Via Email)
Glendale City Fire Department
780 Flower Street
Glendale, California 91201

Mr. Thomas Asoo (Sent Via Email)
Department of Toxic Substance Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Mr. Charles McLaughlin (Sent Via Email)
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806



STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY



Alan C. Lloyd, Ph.D.
Agency Secretary

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION
SUMMARY OF FINDINGS

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CUPA: Glendale City Fire Department

Evaluation Date: March 15, 2006

EVALUATION TEAM

Cal/EPA: Kareem Taylor

Cal/EPA: Loretta Sylve

DTSC: Tom Asoo

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Kareem Taylor at (916) 327-9557.

<u>Deficiency</u>		<u>Preliminary Corrective</u>	<u>Timeframe</u>
		<u>Action</u>	
1	The CUPA self-audit reports do not contain all the required elements. Glendale Fire Department utilizes the self-audit guidance checklist as a template for their self-audit, rather than simply a guide. When self-audits for FYs 03/04 and 04/05 were requested by Cal/EPA, only narrative summaries of the deficiencies were sent by the CUPA.		
	The Self-Audit shall include but not be limited to: 1. Summary of findings 2. Report of deficiencies with a plan of correction 3. Narrative summary of program element activities; including the effectiveness and efficiency of permitting, inspection, and enforcement activities undertaken 4. Copies of the annual, biennial, and quarterly summary reports (Reports 1-6) 5. Summary of single fee system activities 6. Narrative summary of progress made towards	Include the required elements in a more descriptive, narrative fashion into the self-audit.	June 15, 2006

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Evaluation Summary of Findings

	<p>consolidating, coordinating, and making consistent the Unified Program</p> <p>7. A record of changes in local ordinances, resolutions, and agreements affecting the Unified Program</p> <p>8. Narrative summary of the annual review and update of the fee accountability program</p> <p>9. A summary of new programs being included in the Unified Program</p> <p>10. A demonstration that the CUPA has satisfied the specific self-audit and performance standards established in regulation by the Secretary or the state agencies responsible for one or more of the program elements</p> <p>The CUPA will use the self-audit checklists developed as guidance by the Department of Toxic Substance Control (DTSC) and the California Environmental Protection Agency (Cal EPA) to demonstrate compliance with the self-audit and performance standards (item # 10 above).</p>		
2	<p>The CUPA is not inspecting HMRRP facilities once every three years.</p> <p>In FY 04/05, the CUPA had 140 routine inspections out of 585 businesses (24%).</p> <p>In FY 03/04, the CUPA had 147 routine inspections out of 575 businesses (26%).</p> <p>In FY 02/03, the CUPA had 139 routine inspections out of 625 businesses (22%).</p>	Inspect HMRRP facilities once every three years.	September 15, 2006
3	<p>The CUPA is not inspecting Hazardous Waste Generators once every three years.</p> <p>In FY 04/05, the CUPA had 88 routine inspections out of 453 businesses (19%).</p> <p>In FY 03/04, the CUPA had 79 routine inspections out of 412 businesses (19%).</p>	Inspect Hazardous Waste Generators once every three years.	September 15, 2006

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	In FY 02/03, the CUPA had 89 routine inspections out of 422 businesses (21%).		
4	<p>The CUPA documents return to compliance upon re-inspection facilities, however, certification of return to compliance from the facilities found to have minor violations is not obtained.</p> <p>HSC: 25404.1.2. (c) (1) A person who receives a notice to comply detailing a minor violation shall have not more than 30 days from the date of the notice to comply in which to correct any violation cited in the notice to comply. Within five working days of correcting the violation, the person cited or an authorized representative shall sign the notice to comply, certifying that any violation has been corrected, and return the notice to the UPA.</p>	Obtain return to compliance certification from facilities found to have minor violations.	Immediately
5	The CUPA is not always detailing observations made at the facility and the factual basis for alleging those violations in the inspection reports. During the file review, I observed inspection reports that only listed the general corrective measure.	The CUPA shall provide training to their staff regarding required information that must be present in hazardous waste inspection reports.	April 15, 2006
6	The CUPA is not taking formal enforcement actions on cases where Class I hazardous waste violations are identified. Annual Summary Reports identified Class I violations that were not followed up with a formal enforcement action.	The CUPA shall implement their authority to issue Administrative Enforcement Orders on all Class I hazardous waste violations.	Immediately
7	The CUPA is ensuring that PBR facilities are submitting their annual notification form to the CUPA; however, I did not find an acknowledgement/reauthorization letter issued to the PBR facility for their onsite treatment activity.	The CUPA shall issue an acknowledgement/reauthorization letter to the eligible PBR facilities. The CUPA shall update their Tiered Permitting procedures to include the annual receipt, review, and acknowledgement/authorization	April 15, 2006

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		in writing of annual PBR notification form submittals.	
8	The CUPA is not always providing an inspection report to the business within 65 days of completing a hazardous waste generator inspection. During the file review, when facility inspections occurred and there were no violations observed, inspection reports were not developed. Facilities did not receive an inspection report.	The CUPA shall begin issuing hazardous waste inspection reports to the facilities (even when no violations are observed) within 65 days of completing the inspection.	Immediately

CUPA Representative

Vasken Demirjian
(Print Name)

[Signature]
(Signature)

Evaluation Team Leader

Kareem Taylor
(Print Name)

[Signature]
(Signature)

Certified Unified Program Agency (CUPA)
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PROGRAM OBSERVATIONS AND RECOMMENDATIONS

1. **Observation:** Annual inspection frequency for UST facilities in FY 04/05 has dramatically improved from 38% of facilities inspected in FY 03/04 to 92% in FY 04/05.

Recommendation: Keep up the good work.

2. **Observation:** During the file review, inspection records were found, however, the CUPA does not routinely store paper files of their inspection reports in facility files. This is important for maintaining a paper trail for litigation purposes.

Recommendation: Start routinely storing all inspection report documentation that clearly states the violations found. If no violations are found, store the inspection report in facilities files with language stating that no violations were found.

3. **Observation:** The Inspection Report does not have a mechanism for identifying the different classification of violations observed during the inspection.

Recommendation: The CUPA should utilize their Inspection Report to identify the different classification of violations to aid CUPA staff in data tracking and to help the facility understand the severity of the violation.

4. **Observation:** The CUPA staff has access to cameras for inspections; however, photographs are not typically taken during their inspections.

Recommendation: Photographs are useful to document violations and the conditions at the facility. Photographs can help strengthen your case should enforcement become necessary. Always remember to date stamp photographs.

5. **Observation:** When violations and corrective measures are identified in the Notice to Comply/Inspection Report, there are times when additional details could have been provided.

Recommendation: The CUPA should be descriptive when detailing violations and corrective measures (e.g. the number, size, and location of containers/tanks in violation). Having a clear understanding of the violation and corrective measure not only helps the facility in returning to compliance, but also serves to strengthen your case should formal enforcement actions need to be taken.

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. Glendale City Fire Department, Burbank, and the City of La Canada jointly have implemented a household hazardous waste program that allows people dispose of their hazardous waste (oil, etc.) at a facility next to the fire department. The program also collects waste oil on the curbside on designated days. Oil containers, funnels, oil pans, rags, and needle collectors are given freely when requested.
2. The CUPA regularly re-inspects businesses found to have violations. The files reviewed indicated that re-inspections took place about 30 days after the initial compliance inspection.
3. The CUPA has established an Environmental Management Center which is the main hub for their environmental and fire inspections, enforcement customer service, and various community service programs.
4. The CUPA has an extensive training program. Staff are trained at a high level to allow them to conduct comprehensive and consolidated inspections for the unified program, as well as, for fire safety. The CUPA's goals are to make sure inspectors have completed Fire Prevention 1A, 1B, and 1C, HAZWOPER, UST, HazMat disclosure/reporting and Industrial Waste classes.
5. The CUPA is moving toward automated billing system using File Pro. The system sends a 21-day reminder notice. If, within 38, bill remittance is not received, a penalty notice is automatically generated and sent to the facility.
6. CUPA regularly follows up on complaints received by DTSC.